

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-005838-001 DT

05/23/2011

HONORABLE CARI A. HARRISON

CLERK OF THE COURT
V. Morales
Deputy

STATE OF ARIZONA

PAUL EDWARD KITTREDGE
KELI B LUTHER

v.

DANIEL RAY GUKEISEN (001)

LARRY L DEBUS
TRACEY WESTERHAUSEN

DOB: 09/16/1971

APO-SENTENCE IMPRISON-CCC
APPEALS-CCC
AZ DOC
DISPOSITION CLERK-CSC
RFR
VICTIM SERVICES DIV-CA-CCC

SENTENCE OF IMPRISONMENT

9:52 a.m.

Courtroom 1204 - Central Court Building

State's Attorney:	Paul Kittredge
Defendant's Attorney:	Larry Debus and Tracy Westerhausen
Defendant:	Present
Court Reporter:	Traci Stutsman

The Court has received and reviewed Defendant's Motion for New Trial, the State's response, and the Defendant's reply.

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No oral further argument is presented to the Court as the parties presented their argument in the motions.

The Court makes findings on the record.

IT IS ORDERED denying Defendant's Motion for a New Trial.

The Court has received and reviewed Defendant's Motion to Strike A.R.S. 13-701.D.2 Aggravator and Defendant's Motion to Strike A.R.S. 13-701.D.1 Aggravator filed May 19, 2011.

Defense counsel having previously stipulated to both aggravators during trial,

IT IS ORDERED denying Defendant's Motion's to Strike A.R.S. 13-701.D.2 and 13-701.D.1.

The Court reviews and notes Defendant's objection to the Presentence Report.

(9:57 a.m.) Sentencing commences at this time.

Gail Hohn addresses the Court.

Randy Sassman addresses the Court.

Mary Lynn Lamp addresses the Court.

10:40 a.m. Court stands at recess.

10:51 a.m. Court reconvenes with respective counsel and the Defendant present.

Court Reporter: Terry Masciola

Kim Richter addresses the Court.

Don Wilson addresses the Court.

Scott Grotjan addresses the Court.

Count(s) 1: The Defendant was found guilty after a trial by jury.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

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OFFENSE: Count 1 Manslaughter
Class 2 Felony
A.R.S. § 13-1101, 13-1103, 13-701, 13-702, 13-702.01, and 13-801
Date of Offense: 09/26/2008
Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 5 year(s) from 05/23/2011
Presentence Incarceration Credit: 45 day(s)

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

ASSESSMENTS:

Count 1: PROBATION SURCHARGE: \$20.00.

The Court will retain jurisdiction over restitution for 90 days. In the event a hearing is set the Defendant waives his/her presence.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforesponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Community Supervision: Count 1 - Imposed pursuant to A.R.S. § 13-603(I).

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

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11:22 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>.
Attorneys are encouraged to review Supreme Court Administrative Orders 2010–117 and 2011–10 to determine their mandatory participation in eFiling through AZTurboCourt.

ISSUED: Order of Confinement - Certified Copy to DOC via Certification Desk

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE CARI A. HARRISON
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)